

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Tribal Welfare- East Godavari District- Revision Petition filed by Sri D.Bhanu Prakash S/O Kalyana Rao R/O Nellipudi (V) Gangavaram (M) East Godavari District under Sec 6 of A.P.S.A.L.T.R 1959, against the Orders of the Additional Agent to Government Rampachodavaram in C.M.A No: 63/2004 dated: 17-09-2005 –Dismissed-Orders-Issued.

SOCIAL WELFARE (LTR.2) DEPARTMENT

G.O.Ms No:138

Dated:11-07-2008.

Read the following:

1. From Sri K.Venkatesh counsel for the Revision Petitioner , dated: 05-12-2005.
2. Government Memo No: 275/LTR2/2006 dated: 06-06-2006.
3. From Collector, East Godavari R.C No: T8/Memo No275/LTR2/2006 Dated: 06-06-2006.
4. Government Memo No: 275/LTR2/2006 Dated: 17-11-2006 .

ORDER:

In the reference first read above Sri D.Bhanu Prakash S/O Kalyana Rao R/O Nellipudi (V) Gangavaram (M) East Godavari District has filed a Revision Petition against the Orders of the Additional Agent to Government in C.M.A No: 63/2004 dated: 17-09-2005 in respect of lands situated in Nellipudi(V) of Gangavaram (M) in S.No: 18 to an extent of Acres 1.40 cents of East Godavari District.. The Main Grounds made by the Revision Petitioner in the Revision Petition among others are :

1. The appellate authority as well as the original authority failed to see that the petitioner being a tribal , the transfer made in his favour is legal and valid.
2. The order of the appellate authority is liable to be set aside as the possession of the petitioner over the land is not in violation of any provision of the LTR.
2. The brief history of the case is that the case was initiated on the complaint of Special Deputy Tahsildar (TW) Gangavaram before the Special Deputy Collector (T.W) Rampachodavaram vide LTRP 99/2004 Under Sec (3) of APSALTR 1/59 as amended by Regulation 1/70 for restoration of the petition Scheduled land to Government in respect of lands situated in Nellipudi(V) of Gangavaram (M) in S.No: 18 to an extent of Acres 1.40 cents of East Godavari District. The SDC (T.W) after giving reasonable opportunity to both the parties finally heard the case on 29-09-2004 in the presence of both the parties and after perusal of the records held that as per sale deed 1186/76 dated: 9-7-1976 Madhuveeti Laxmana Raju sold an extent of Acres 1.40 in Survey No: 18 of patta 13 to Smt Uppalapati Venkatalaxmi W/O Appalaraju, for Rs.4,000/-As per sale deed 725/77, dated 27-05-1977, Uppalapati Venkatalaxmi sold an extent of Acres 1.40 in Survey No: 18 to Sri Dummula Kalyana Rao S/O Tatayya.The sale deeds executed in the years 1976 and 1977 held between non-tribals were in violation of LTR provisions and hence null and void. Hence, the subsequent transaction through unregistered sale agreement between Nunna Vijaykumari also is null and void. Dummula Bhanuprakash S/O Kalyan Rao belongs to valmiki ST Caste as per caste certificate issued by MRO Koyyuru on 15-10-1998. The sale by Dummula Kalyanarao was not followed by permission from Agent to Government in Form L. Hence, as the 3rd respondent Dummula Bhanuprakash is a tribal, the land will be reassigned according to his eligibility and directed the MRO Gangavaram to implement the orders and report compliance. Aggrieved by the decision of the SDC (T.W) Rampachodavaram filed an appeal before the Agent to Government, Rampachodavaram.
3. The Additional Agent to Government , Rampachodavaram after hearing on both the sides and on perusal of material record on file held that earlier transactions held between non-tribal parties in the year 1976 and 1977 are null and void as per the provisions of Sec 3 (1) (a) of LTR 1/1970 which prohibits transfer of lands between non-tribals also. Hence, father of appellant who purchased such lands from non-tribal Nunna Vijaya Kumari can't get a valid title over the schedule land. The Government is entitled to evict the encroacher and restore the same to Government for assignment to eligible tribals. Hence, plea of the appellant i.e. Dummula Bhanu Prakash is rejected. However, if

the appellant is eligible for assignment, he may be considered vide C.M.A No:63/2004 dated:17-09-2005. Aggrieved by the order of the Agent to Government filed a Revision Petition before the Government.

4. In the reference 2nd read above the Agent to Government, East Godavari District was requested to furnish parawise remarks and case records. The same were furnished vide reference third read above. After careful examination of the parawise remarks and case records, notices were issued to the concerned to attend the hearing of the Revision Petition on 17-09-2007. The counsel for the petitioner was present and submitted his written arguments.

5. Government after perusal of the material evidence on record held that:

6. The Orders in LTRP 99/2004 and CMA 63/2004 are very clear and settled in favor of the Revision Petitioner. This Revision Petition might have been filed with an apprehension to protect his right under the law. The Revision Petitioner has not made any efforts to the concerned authorities to make implementation of the judgments of the court with an application to enter the name as occupant and to assign the land on his name to comply the judgments. As per contents of the Revision Petition, it is found that the petitioner is in possession and enjoyment of the lands. The only remedy available to him is to submit the judgments to the concerned authorities to implement the orders and to enter the name of the Revision Petitioner in the concerned records and to make assignment of the land on his name.

7. Government after careful examination of the case records hereby uphold the orders of the Agent to Government in CMA No: 63/2004 dated: 17-09-2005 with a direction to consider assignment to the present tribal petitioner if he is eligible as his father is said to have purchased the same from a non-tribal through an agreement of sale dates: 11-12-1990 and in possession of the same since then and accordingly dismiss the Revision Petition.

8. The Collector, East Godavari District / Additional Agent to Government, Rampachodavaram is requested to take necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**V. NAGI REDDY,
PRINCIPAL SECRETARY TO GOVERNMENT**

To:

The Collector, East Godavari District(w.e)

(with RPAD of the following records)

(Case file CMA No: 63/2004 containing 42 pages

& LTRP No: 99/04 containing 76 pages)

The Additional Agent to Government, Rampachodavaram.

Sri K.Venkatesh, Advocate,

H.No: 1-1-64/1, R.T.C Cross Roads,

Hyderabad-20.

Sri D.Bhanu Prakash,

Nellipudi (V), Gangavaram (M),

East Godavari District.

//FORWARDED BY ORDER//

SECTION OFFICER